

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
180 Ft. W of c/l of
Bennett Road
951 North Marlyn Avenue
15th Election District
5th Councilmanic District
Dale A. Polatynski, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-179-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 1802.3.C Baltimore County Zoning Regulations (B.C.Z.R.), to allow a rear yard setback at an angle of 13 ft. to 32 ft. in lieu of 30 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for a Residential Variance, the subject property, known as 951 N. Marlyn Avenue, zoned D.R. 5.5, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioners are requesting a variance to allow a rear yard setback at an angle of 13 ft. to 32 ft. in lieu of 30 ft. for an addition for an apartment.

The Petitioners have filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is evidence in the file or record to indicate that the variance would adversely affect the health, safety and/or general welfare of the public and should, therefore, the relief should not be granted. Specifically, Petitioners' Exhibit No. 2 clearly establishes that the purpose of the requested variance is to establish a second apartment on the subject property where only a single family dwelling house is permitted as a matter of right. There is no

basis in the law to permit a two family dwelling unit to be located on the property in question. As indicated by Petitioner's Exhibit No. 2, the sole purpose of the requested variance is to provide for an addition to the house for an apartment for independent living of another individual.

In the opinion of the Zoning Commissioner, it is established that the information and affidavits provide insufficient evidence and facts that the proposed variance request would comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would not result in a practical difficulty and/or unreasonable hardship upon the Petitioner, as the proposed variance is for an illegal use of the subject property. Based upon the information available, the relief should be denied.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of January, 1991 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 1802.3.C Baltimore County Zoning Regulations (B.C.Z.R.) to allow a rear yard setback at an angle of 13 ft. to 32 ft. in lieu of 30 ft., in accordance with Petitioners' Exhibit No. 1, is hereby DENIED.

JRH/mm

J. Robert Haines
ROBERT HAINES
Zoning Commissioner
for Baltimore County

-2-

11 West Chesapeake Avenue
Towson, MD 21204

887-3553

January 9, 1991

Mr. and Mrs. Dale A. Polatynski
951 N. Marlyn Avenue
Baltimore, Maryland 21221

RE: Petition for Residential Zoning Variance
Case No. 91-179-A

Dear Mr. and Mrs. Polatynski:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mm
encl
cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1802.3.C. To allow a rear yard setback at an angle of 13 ft. to 32 ft.
in lieu of 30 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons:
(Indicate hardship or practical difficulty)

See Attached

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of 15 Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

Address

City/State/Zip Code

Signature

Address

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 14th day of Nov, 1990, that the subject matter of this petition be posted on the property on or before the 14th day of Dec, 1990.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this ____ day of ____, 19 ____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 105, County Office Building in Towson, Baltimore County, on the ____ day of ____, 19 ____, at ____ o'clock, ____.

ORDER RECEIVED FOR FILING

Date

By

ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at
951 N. Marlyn Ave. Balto Md 21221
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)
SEE ATTACHED

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Dale A. Polatynski
AFFIANT (Handwritten Signature)
DALE A. POLATYNSKI
AFFIANT (Printed Name)

Cheryl B. Polatynski
AFFIANT (Handwritten Signature)
CHERYL B. POLATYNSKI
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29 day of October, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
DALE A. POLATYNSKI & CHERYL B. POLATYNSKI

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

October 29, 1990
DATE

Richard D. Sholey
NOTARY PUBLIC
My Commission Expires: Dec 1, 1994

This apartment is very important to our family as it will house our 91 year old uncle. He is very healthy but has recently become blind and taking care of home, personal business and yard has become impossible.

We have all the code setbacks and square footage requirements except one rear corner. We have the required setback on one corner of the proposed addition because the property line is on an angle.

We could put this addition on the other side of the house without a variance however our driveway is there and our most often used entrance. We would have to walk around the 30' addition to get to our own door. Also we need a connecting door between the two units. The requested side is the dining room and kitchen which lends itself quite appropriately for a connecting door. The other side is bedrooms and no room for a connecting door. Visually, this addition would look much better from the outside on the requested side.

Note:

House Meets Use Limits (7 yrs. occ.)
Area Requirements, & Side Setbacks
For Conversion to a 2 Family Residence.

NOTE REVISED SITE PLANS REQUIRED: 10:30-20
Returns 11-13-90 - JPA

91-179-A

91-179-A

Baltimore County
Zoning Commission
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204
(301) 887-3353

Date: 10/29/90

Number: 3770

Public Hearing Fees

QTY	PRICE
1 X	\$35.00
1 X	\$25.00
TOTAL:	\$60.00

LAST NAME OF OWNER: POLETYNSKI

04A0480023MICHC \$50.00
BA C003402PM10-29-90

Please make checks payable to: Baltimore County BUSINESS DAY

Cashier Validation:

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

November 19, 1990

Mr. & Mrs. Dale A. Poletynski
951 N. Marilyn Avenue
Baltimore, Maryland 21221

Dennis F. Rasmussen
County Executive

Re: CASE NUMBER: 91-179-A
LOCATION: 480' W of Centerline Bennett Road
951 N. Marilyn Avenue

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before November 28, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is December 13, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the posting of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

13/
C. G. Stephens
(301) 887-3391

File Copy

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

December 6, 1990

Mr. & Mrs. Dale A. Poletynski
951 N. Marilyn Avenue
Baltimore, MD 21221

RE: Item No. 181, Case No. 91-179-A
Petitioner: Dale A. Poletynski, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Poletynski:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
29th day of October, 1990.

J. Robert Haines
Zoning Commissioner

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Dale A. Poletynski, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Edith May Souza, Item No. 166
Earlie E. and Linda R. Towe, Item No. 170
Roland H. and Darlene Farlow, Item No. 171
Kwan Woo Lee, Item No. 173
Harry E. Belsinger, et al., Item No. 175
Gary D. and Kathleen M. Stewart, Item No. 178
Dale A. and Cheryl Poletynski, Item No. 181
Bruce D. and Mary V. Frith, Item No. 182
William M. and Constance M. Pitcher, Item No. 185
Key Federal Savings Bank, Item No. 186
Stephen D. and Wendy K. Mooney, Item No. 189
Charles Henry and Vickie Jean Wallis, Item No. 195
Sharon Plaskowski, Item No. 196
Gary E. Stahl, Item No. 199
Keith E. and Terri L. Yeager, Item No. 201
Robert E. and Deborah L. Jennings, Item No. 202
Gloria P. Brown, Item No. 203
Robert E. and Karen F. Ege, Item No. 207
Javad Darbandi, Item No. 208
Thomas D. and Jeannette Considine, Item No. 209
Helen M. Yingling, Item No. 214

In reference to the Petitioners' requests, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEMSML.TPL/2AC1

received
12/10/90

Baltimore County
Fire Department
700 East Joppa Road, Suite 301
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

NOVEMBER 28, 1990

Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: DALE A. POLETYNSKI
Location: #951 NORTH MARLYN AVENUE
Item No.: 181 Zoning Agenda: NOVEMBER 27, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. PROPOSED PANHANDLE DRIVEWAY SHALL BE IN ACCORDANCE WITH BALTIMORE COUNTY BILL NO. 172-90 AND RESOLUTION NO. 52-89

REVIEWER: C. H. Jones, Kelly 11-28-90 Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

received
11/24/90

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE
NOVEMBER 15, 1990

received
11/21/90

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES
SUBJECT: ZONING ITEM #: 181
PROPERTY OWNER: Dale A. Poletynski, et ux
LOCATION: 480' W of Centerline Bennett Road (#951 North Marilyn Avenue)
ELECTION DISTRICT: 15th
COUNCILMANIC DISTRICT: 5th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION () RAMP (degree slope)
() NUMBER PARKING SPACES () CURB CUTS
() BUILDING ACCESS () SIGNAGE

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

() A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

(X) OTHER - comment. Assuming applicant has a legitimate permit there is no further comment.

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

Ret. 11/31/90

ITEM # 181
DATE: 11-9-90

PETITION CHECKLIST

91-179-A

Before the above petition can be accepted for filing, the following items must be corrected/included:

- Item number must be on all papers in the file folder.
- Item number must be in ink (pencil does not copy well).
- Item number generated by computer (on receipt) is not the same as item number on material in folder and/or pink sheet.
- Section information missing on petition forms.
- Not "original" signatures on all copies of petition forms.
- Owner's name address and/or telephone number is not on petition forms.
- Need signature and/or printed name and/or title of person signing for company.
- Need an attorney.
- "Red stamp" or closing information is not on petition form.
- Following information is missing on the file folder:
 - Petitioner's name
 - Item number
 - Description
 - Actual address
 - zoning
 - acreage
 - election district
 - councilmanic district
- Need 12 plats. Only ___ in folder.
- Plats need to be folded to 8-1/2" x 11".
- There is a difference in date between date taken in and date put in drawer for agenda. Put a note in the folder explaining this.
- Hardship reason is not indicated on back of petition form.

Plat to accompany Petition for Zoning ☒ **Variance** ☐ **Special Hearing**

PROPERTY ADDRESS: 951 W. Marilyn Ave
 Subdivision name: Politynski Property
 plat books SD folio 115 lots 3 sections

OWNER: Dale + Cheryl Politynski

91-179-A

Petitioner's Exhibit

815 North Lane

North

Proposed Addition

Lot 3

Lot 4

Lot 5

Lot 6

Lot 7

Lot 8

Lot 9

Lot 10

Lot 11

Lot 12

Lot 13

Lot 14

Lot 15

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